IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 24784 of 2007(A)

PETITIONER:

ISSAC T. CHERIAN, AGED 55 YEARS,
S/O. CHERAIN, THEKKUMMEL HOUSE,
PAYIPARA, MULAVOOR VILLAGE REPRESENTED BY
HIS POWER OF ATTORNEY HOLDER AND FATHER CHERIAN,
AGED 79 YEARS, S/O. ISSAC,THEKKUMMEL HOUSE,
PAYIPARA, MULAVOOR VILLAGE.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, P.W.D.DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. EXECUTIVE ENGINEER,
P.W.D., K.S.T.P.DIVISION,
MUVATTUPUZHA.

3. ASSISTANT EXECUTIVE ENGINEER,
P.W.D., K.S.T.P.DIVISION,
MUVATTUPUZHA.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 24784 OF 2007
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Dated this the 10th day of September, 2007

J U D G M E N T

The complaint of the petitioner is that an iron fencing has been provided in front of his property facing national highway. According to him, on account of this vehicular access to his property is impossible.

2. The learned Government Pleader on instructions submit that the property is situated in a traffic junction and that the fencing was necessitated only for the safety of the pedestrians.

3. After hearing both sides, I feel that the fencing as it is now provided, will result in total denial of vehicular access to the petitioner's property and that suitable modification is necessary, depending on the petitioner's requirements.

4. Accordingly, I dispose of this writ petition directing

that when occasion arises, the petitioner can file an appropriate representation before the 3rd respondent, in which event, such representation will be considered by the 3rd respondent and necessary modification will be made to the iron fencing in order to ensure vehicular access to the petitioner's property.

With the above direction, the writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp